

A review of the evidence indicates claimant's testimony about the transmission pinning his hand against a stand and later being struck on the same hand by a hammer is credible. The medical records presented also tend to corroborate claimant's allegations that he was injured while working for the respondent. For purposes of this review, the Appeals Board agrees with the decision of the Administrative Law Judge who had an

opportunity to observe the demeanor of the witnesses and factor that into her determination of the issues.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge Nelsonna Potts Barnes, dated October 13, 1994, is affirmed.

IT IS SO ORDERED.

Dated this ____ day of December, 1994.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: David Farris, Wichita, KS
Robert G. Martin and Phillip D. Greathouse, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
George Gomez, Director